

HOUSE BILL No. 1209

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-19-7-4; IC 34-28-5-5.

Synopsis: Allocation of court fees and judgments. Makes the following changes to the distribution of criminal costs fees, infraction or ordinance violation costs fees, civil costs fees, small claims costs fees, and deferred prosecution fees: (1) Reduces from 55% to 45% the percentage of the fees that the clerk of a city or town court semiannually distributes to the auditor of state as the state share. (2) Increases from 25% to 35% the percentage of the fees that the city or town fiscal officer retains as the city or town share. Provides that \$5 of each \$25 fine imposed by a city or town court for a safety belt violation or other Class D infraction is to be retained by the political division entering the judgment.

Effective: July 1, 1999.

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January 11, 1999, read first time and referred to Committee on Ways and Means.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1209

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-19-7-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The clerk of a
3 city or town court shall semiannually distribute to the auditor of state
4 as the state share for deposit in the state general fund ~~fifty-five~~
5 **forty-five** percent ~~(55%)~~ **(45%)** of the amount of fees collected under
6 the following:
- 7 (1) IC 33-19-5-1(a) (criminal costs fees).
 - 8 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 - 9 (3) IC 33-19-5-4(a) (civil costs fees).
 - 10 (4) IC 33-19-5-5 (small claims costs fees).
 - 11 (5) IC 33-19-6-16.2 (deferred prosecution fees).
- 12 (b) Once each month the city or town fiscal officer shall distribute
13 to the county auditor as the county share twenty percent (20%) of the
14 amount of fees collected under the following:
- 15 (1) IC 33-19-5-1(a) (criminal costs fees).
 - 16 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 - 17 (3) IC 33-19-5-4(a) (civil costs fees).



(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain ~~twenty-five~~ **thirty-five** percent ~~(25%)~~ **(35%)** as the city or town share of the fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

SECTION 2. IC 34-28-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for



violations constituting:

(1) Class D infractions; or

(2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.

(b) If a judgment is entered:

(1) for a violation constituting:

(A) a Class D infraction; or

(B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs **and five dollars (\$5) of each judgment for a Class D infraction**, the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund. **Five dollars (\$5) of each judgment for a Class D infraction shall be retained and deposited in:**

(1) **the county general fund, if the adjudicating court is a circuit, superior, or county court; or**

(2) **the city or town general fund, if the adjudicating court is a city or town court.**

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

SECTION 3. [EFFECTIVE JULY 1, 1999] IC 34-28-5-5, as amended by this act, applies to all judgments imposed for Class D infractions after June 30, 1999, regardless of when the infractions were committed.

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